

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Siemens Water Technologies Corp.
(successor by merger to US Filter
Recovery Services (California), Inc.)
5375 S. Boyle Avenue
Vernon, California 90058

ID No. CAD097030993

Respondent.

Docket HWCA 2007 1298

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Siemens Water Technologies Corp. (successor by merger to US Filter Recovery Services (California), Inc.) (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 5375 S. Boyle Avenue in Vernon, California 90058 (Site).

1.3. Inspection. The Department inspected the Site on June 20, 21, 30 and July 13 of 2006.

1.4. Authorization Status. The Department authorized Respondent to manage hazardous waste by Hazardous Waste Facility Permit No. 96-SC-TS-06 (the "Permit") issued on August 30, 1996 and subsequent approved modifications.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the

Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. The Respondent violated California Code of Regulations, title 22, section 66264.174 in that Respondent failed to inspect areas used for storing containerized waste for deterioration of containment systems caused by corrosion or other factors.

2.3. Respondent violated California Code of Regulations, title 22, section 66264.175, subsection (b)(1), in that Respondent failed to ensure that secondary containment for the base underlying the containers was free of cracks or gaps and was sufficiently impervious to leaks, spills and accumulated precipitation.

2.4. Respondent violated California Code of Regulations, title 22, section 66264.15, subsection (d), in that Respondent failed to include the notation of the observations made and the date and nature of any repairs or other remedial actions in the Inspection Checklists.

3. SCHEDULE FOR COMPLIANCE

3.1. The Respondent has corrected the violations cited above. The Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department a total sum of \$15,000, of which \$10,500 is a penalty and \$4,500 is reimbursement of the Department's costs.

The payment of \$15,000 is due and payable within 30 days from the effective date of this Order.

5.2. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Robert Kou, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

and

Ramon Perez, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
9174 Sky Park Court, Suite 150
San Diego, California 92123

5.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: March 29, 2007

Original signed by: Kenneth Ozomixon
Respondent Signature

Kenneth Ozomixon
Print Name of Respondent

Dated: April 16, 2007

Original signed by Robert Kou
Robert Kou, Unit Chief
Glendale Branch
Statewide Compliance Division
Department of Toxic Substances Control